MST

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.103 OF 2007
IN
INSOLVENCY PETITION NO.82 OF 2005

M/s.Eximp International India and others — Petitioning Creditors

versus

Indusnd Bank limited — Debtor

K.P.Jain i/by Tushar Garodia for pet.creditors.

Baptist D'Souza for debtor.

Y.C.Parikh, Official Assignee present.

CORAM : A.M.KHANWILKAR, J.

DATE : 04th December 2007

PC :

1. Although the relief claimed in the motion is for setting aside the order of adjudication dated 3rd April 2007, however, in effect, the claim of the applicant is founded on the ground available under section 21 of the Presidency Town Insolvency Act, 1909 for annulment of the order of adjudication. It is stated on affidavit that full claim of the petitioning creditor has been paid off. That position is accepted by the

MST

counsel for the petitioning creditor. It is also seen from the record that the order of adjudication was duly advertised, however, no other claimant has come forward so far. In the circumstances, I see no impediment in accepting the request of the judgement debtor to annul the order of adjudication dated 3rd April 2007 in exercise of powers u/s 21 of the Act.

2. The Official Assignee shall take necessary steps to publish the order of annulment in terms of Section 23(3) of the Act. Motion disposed off on the above terms.

(A.M.KHANWILKAR, J.)